

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOSE COLON,  
Plaintiff,  
– against –  
THE CITY OF NEW YORK et al.,  
Defendants.

**ORDER**

09-CV-8

MAXIMO COLON,  
Plaintiff,  
– against –  
THE CITY OF NEW YORK et al.,  
Defendants.

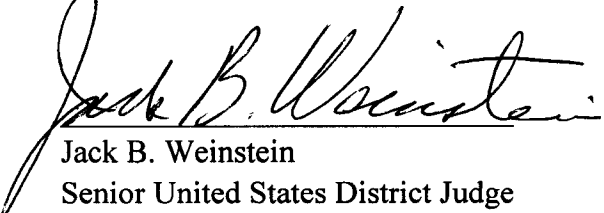
09-CV-9

**JACK B. WEINSTEIN, Senior United States District Judge:**

Defendants' motions for summary judgment on Plaintiffs' claims under New York and federal law are denied. It appears highly unlikely that there can be a basis for recovery, but the seriousness of the allegations, in light of the public interest in the transparency of, and confidence in, the Police Department, requires a public trial.

Plaintiffs having been informed of the high probability that they cannot establish their case, the losing parties or party will be assessed costs and disbursements.

SO ORDERED.

  
Jack B. Weinstein  
Senior United States District Judge

Dated: August 20, 2010  
Brooklyn, New York

